

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of:)	
)	
Request for Review of the)	Administrator Correspondence
Decision of the)	April 25, 2018
Universal Service Administrator by)	
)	
Quitman Public Library)	
Quitman, Texas)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

TO: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, D.C. 20554

Requestor: Quitman Public Library
Billed Entity Number: 140740
FCC Registration Number: 0002347771
FRN: 1799096649
FCC Form 471: 171042689

In accordance with Sections 54.719 through 54.721 of the Commission's Rules, Quitman Public Library (Quitman) appeals an Administrator's Decision on Appeal dated April 25, 2018 regarding a recent FCC Form 500 denial issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).

On May 10, 2017, Quitman completed and certified FCC Form 471 #171042689.¹ We mistakenly entered a Contract Award Date (CAD) of July 1, 2014 and Contract Expiration Date (CED) of July 1, 2017. This error resulted in one month of service for FRN 1799096649. However, we did correctly identify a quantity of twelve months of service with a monthly recurring unit cost of \$425.00 for an annual cost of \$5,100 (\$425.00 times a quantity of twelve).² We should have entered a CAD of May 8, 2017 and CED of June 30, 2020 based on the three-year contract that was awarded on May 8, 2017.³

It is our belief that USAC should have identified this error during the Program Integrity Assurance (PIA) review and provided the library an opportunity to correct the contract expiration date. In the Bishop Perry Order the FCC directed USAC to “inform applicants promptly in writing of any and all ministerial or clerical errors that are detected in their applications, along with a clear and specific explanation of how the applicant can remedy those errors.”⁴ We believe it is clear that USAC failed to notify the library of this clerical error nor did USAC provide the applicant an opportunity to cure the clerical error. Had USAC complied with the requirements of the Bishop Perry Order this error would have been corrected prior to the issuance of the FCDL. The Library was not aware of a discrepancy when they received their FCDL because according to the FCDL, their funding was “approved”. They had no reason to question the commitment.⁵

In October of 2017, the service provider, Peoples Communications, Inc.(Peoples), Service Provider Number (SPIN) 143001132 attempted to invoice USAC, but USAC rejected their invoice stating that the

¹ Attachment A- Certified FCC Form 471 #171042689 on May 10, 2017.

² Attachment B- Peoples invoice dated March 1, 2018.

³ Attachment C- Three-year contract signed on May 8, 2017.

⁴ Attachment D- Bishop Perry Order, FCC 06-54 at paragraph 23.

⁵ Attachment E- FCC Form 471 #171042689 FCDL, June 16, 2017.

Library did not sign a new contract for FY 2017. Brittany Hayes from Peoples contacted the library to let them know of the situation.

Immediately following this discovery, the Library consulted with Client Services Bureau (CSB). They advised us to submit an FCC Form 500 to modify the CED. The Library submitted FCC Form 500 #80474 on October 27, 2017 to correct the CED and modify it to June 30, 2020.⁶ A revised funding commitment decision (RFCDL) for FCC Form 500 #80474 was received on January 16, 2018. The RFCDL stated:

*"You requested a Contract Expiration Date change for FRN 1799096649 to 06/30/2020. Since the new Contract Expiration Date will increase the number of months of service and the funding commitment for this FRN, your request is not allowable and is therefore denied."*⁷

The Library was then instructed by CSB to file a USAC appeal to reverse the FCC Form 500 denial. We submitted Appeal #88753 to USAC on January 29, 2018 and explained that we had mistakenly entered a CED of July 1, 2017 and that we attempted to correct this ministerial error by submitting an FCC Form 500, but it was denied.⁸ We also stated that we are in a three-year contract from July 1, 2017 through June 30, 2020. The appeal was denied on April 25, 2018 for the following reason:

*"Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your appeal was filed on 1/29/2018. The Funding Commitment Decision Letter was issued on 6/16/2017. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal."*⁹

⁶ Attachment F- FCC Form 500 #80474, October 27, 2017.

⁷ Attachment G- RFCDL to FCC Form 500 #80474, January 16, 2018.

⁸ Attachment H- USAC Appeal #88753, January 29, 2018.

⁹ Attachment I- RFCDL USAC Appeal #88753, April 25, 2018.

During the appeal process we also discovered that the incorrect FCC Form 470 number was referenced on FY 2017 471 #171042689. We incorrectly referenced FY 2014 FCC Form 470 #435850001234039.¹⁰ We should have referenced the new FY 2017 FCC Form 470 #170079297 which was posted and certified on April 6, 2017 for the services that were later requested on FY 2017 FCC Form 471 #171042689. FCC Form 470 #170079297 had an Allowable Contract Date (ACD) of May 5, 2017.¹¹

This was clearly a ministerial error. If PIA had reviewed the contract information that was referenced on FY 2017 FCC Form 471 #171042689, they would have discovered that the contract which was awarded on July 1, 2014 had expired on June 30, 2017.¹² The library never intended to file an FCC Form 471 for services to start and end on the same date, covering one day of service.

On May 31, 2006, the Bishop Perry Order required USAC to modify its application review procedures to allow for applicants to make corrections to certain clerical or ministerial errors that may have been made while filing their E-rate applications.¹³ Therefore, we believe PIA should have identified this error while reviewing the contract information that was referenced on FY 2017 FRN 1799096649. We are convinced that the issue would have been resolved if PIA would have reached out to the Library to ask why they only requested one day of service. If they had requested a copy of the contract during the review, they would have noticed the CAD and CED were wrong and could have allowed the Library to correct this ministerial error. The reviewer also could have confirmed the establishing FCC Form 470. Doing so would have given us a chance to provide the correct FCC Form 470 #170079297 that was certified on April 6, 2017.

We believe our appeal should be granted because:

¹⁰ Attachment J- FY 2014 FCC Form 470 #435850001234039.

¹¹ Attachment K- FY 2017 FCC Form 470 #170079297, April 6, 2017.

¹² Attachment L- Peoples 36-month contract awarded on March 26, 2014.

¹³ Bishop Perry Order - https://apps.fcc.gov/edocs_public/attachmatch/FCC-11-60A1_Rcd.pdf

- The Library provided documentation to demonstrate that we had a three-year contract in place at the time that we filed the FY 2017 FCC Form 471 #171042689, therefore demonstrating that the contract end date was June 30, 2020, not July 1, 2017.
- As required by the Bishop Perry Order, PIA should have recognized the ministerial errors that were entered on FCC Form 471 #171042689. This issue could have been easily resolved prior to receiving a funding commitment decision.

The Library should not be penalized for making a ministerial error. This was simply an oversight and data entry issue. We have provided evidence that we correctly filed a FY 2017 FCC Form 470 and signed a three-year contract after the allowable contract date and prior to the certification date of FY 2017 FCC Form 471 #171042689. Quitman has complied with all of the E-rate competitive bidding requirements.

We are requesting that USAC correct the ministerial errors listed above and ask that an invoice deadline extension be granted so that Peoples Communication, Inc can invoice USAC for the full year of service, which was provided to the Library.

Thank you and we greatly appreciate your consideration of this appeal.

Sincerely,



Delene Allen
Quitman Public Library

5/17/2018